

Appl. No. 10/822,857
Amtd. dated January 19, 2005
Reply to Office Action of October 19, 2004

REMARKS/ARGUMENTS

In response to the Examiner's objections as to Double Patenting and under 35 USC § 102, as set forth in the Examiner's communication, Applicant has cancelled claims 1 to 10 without prejudice or disclaimer and added new Claims 11-16

Patentability of New Claims

New Claim 11 includes the subject matter from Claim 1 as originally filed along with the additional limitations that the second average angular speed is greater than the first average angular speed and the second average angular sweep is greater than the first average angular sweep. New Claims 12-16 depend from new Claim 11. Applicant respectfully submits that new Claims 11-16 are patentable over the cited prior art in light of the arguments set out below.

New Claim 11 relates to an electric toothbrush having a first transmission to convert rotational movement from a motor output member into rotational reciprocating movement at a first average angular speed (W_1) and a first average angular sweep (A_1), and a second transmission linked to the first transmission to convert rotational reciprocating movement from the first transmission into rotational reciprocating movement at a second average angular speed (W_2) and a second average angular sweep (A_2). The second average angular speed is greater than the first average angular speed and the second average angular sweep is greater than the first average angular sweep.

In the instant application, the second transmission includes a second gear 88 being acted on by a first gear 76. The second average angular speed (W_2) and sweep (A_2) of the second gear 88 is related to the average angular speed (W_1) and sweep (A_1) of first gear 76 in inverse proportion to the ratio of their radii (see paragraph [17] of the specification). The second gear 88 has a smaller radius than the first gear 76. Accordingly, the second average angular speed (W_2) and sweep (A_2) of the second

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gear 88 are larger than the first average angular speed (W_1) and sweep (A_1) of the first gear 76.

The Examiner provides the following interpretation of Ullrich's device:

...(second transmission includes gears (27), (28), (23) and (24) which would have the second average angular speed or sweep about the second transmission output axis different from the first average angular speed or sweep seeing how the gear train of the second transmission inherently changes the speed of the first transmission...

...It appears from Figure 1 that the second average angular speed and sweep (27) or (23) is greater than the first average angular speed and sweep (the speed of (19) upon gear (18)) since the Applicant discloses in Paragraph 17 of the Specification that the second average angular speed and sweep are larger than the first average angular speed and sweep in inverse proportion to the ratio of their radii. (Emphasis Added).

Applicant respectfully submits that the Examiner's analysis with regards to the second average angular speed and sweep being greater than the first average angular speed and sweep is erroneous. Reconsideration is requested in light of the following arguments.

Ullrich relates to a device having a second transmission that includes gears 24 and 28 being acted on by gears 23 and 27. As shown in Figure 1, the radii of gears 24 and 28 are larger than gears 23 and 27. Accordingly, in keeping with the relationship described above, the average angular speed (W_2) and sweep (A_2) of gears 24 and 28 are smaller than the average angular speed (W_1) and sweep (A_1) of gears 23 and 27. As such, applicant respectfully submits that new Claim 11 is not anticipated by the Ullrich's device.

New Claims 12-16 depend from new Claim 11. Accordingly, applicant submits that new Claims 12-16 are allowable for at least the reasons given for new Claim 11.

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For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Respectfully submitted,

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